

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 2000-001 (P.G.)

BASILIO RIVERA RODRIGUEZ

Defendant.

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U.S. DISTRICT COURT
SAN JUAN, P.R.

MOTION REQUESTING AND ORDER AN AMENDMENT TO SENTENCE

TO THE HONORABLE COURT:

Appear Mr. BASILIO RIVERA RODRIGUEZ, by own will before this Honorable Court and respectfully Expose, Allege and Request:

1. By mid 2002 I was sentenced in the reference case by Honorable Judge Juan Perez-Gimenez.
2. I was sentenced to 57 months in jail in a Federal Correction Center.
3. At present I am in a Federal Correction Center, Federal Prison Camp in Miami, Florida where I started serving my sentence in January, 2007.
4. That before I entered the prison camp and after being sentenced, submitted through my lawyer Nicolas Noguerras an appeal to the First Circuit Court in Boston. The appeal was denied according to my lawyer.
5. Afterwards, attorney Noguerras submitted a Certiorari before the Supreme Court of the United States. According to him, the Certiorari was denied.

6. Around the date of my sentencing in 2002, a Pre-Sentence Report was prepared with information submitted, obtained or available at that date.

7. The truth is that after sentencing and during the appeal process, I developed an anxiety and depressed state which me to use and abuse alcohol daily until the day of my voluntary surrender.

8. At that same time I started using controlled sleep pills, without them I couldn't sleep. At present I still have problems with my sleep.

9. After a time of being at the Correction Facility where I am, I found the existence of a drug program that can help me deal with my present and future problems.

10. In a visit to the Secretary of the Program, I was told that in order to be eligible for the program, the pre-sentence report or the sentencing judge had to recommend the program.

11. I acknowledge that neither the pre-sentence report nor the sentence in my case recommend the drug program. However, I should express, has I mentioned, that in 2002, when the pre-sentence report was prepared and after sentencing, I had no drug or alcohol problems.

12. That it was after sentencing, during the appeal processes, that my drug and alcohol problems started. Therefore, such information is not in my file.


13. I understand that the Drug Program is a privilege and not a requirement of the Correction Facility. However, the Institution is willing to offer me the program if the Pre-sentence Officer or the Sentencing Judge recommends it.

14. For all the reasons and facts presented here, I respectfully request to the Honorable United States District Court for the District of Puerto Rico, that if find merit consider a revision of the pre-sentence report and/or recommend in an amendment sentence, the Drug Program offered at the Federal Prison where I am at present.

WHEREBY, I Basilio Rivera Rodriguez, respectfully request to the Honorable Court grant this motion and provide according to petition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY: That on this same date I have sent a copy of this motion to U.S. Attorney Deputy Chief Criminal Division Room 452 Federal Building, Carlos Chardon Ave. Hato Rey, Puerto Rico 00913-1767.

 12-21-07
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